

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Johnson *et al.*

SERIAL NO.: 09/916,214

FILED: July 25, 2001

FOR: **APPARATUS FOR DETECTING AND TREATING TUMORS  
USING LOCALIZED IMPEDANCE MEASUREMENT**

EXAMINER: Unknown

ART UNIT: 3761

CONFIRMATION No.: 6833

**Renewed Petition to Revive Unintentionally Abandoned Application Under 37  
C.F.R. § 1.137(b) and Request for Reconsideration**

Assistant Commissioner for Patents  
Washington, D.C. 20231

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FEB 03 2003

**OFFICE OF PETITIONS**

Sir:

1. Applicants hereby request reconsideration of the PETITION DECISION mailed December 3, 2002 and submit this renewed Petition to Revive Unintentionally Abandoned Application for the above-identified patent application, which apparently became abandoned on November 8, 2001 for failure to respond to the Notice to File Missing Parts of Nonprovisional Application.

2. A grantable Petition to Revive Unintentionally Abandoned Application requires (i) a reply to the outstanding action, (ii) the fee under 37 CFR § 1.17(m), (iii) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR § 1.137(b) was unintentional, and (iv) any terminal disclaimer (and fee as set forth in 37 CFR § 1.20(d).

3. On October 17, 2002, Applicants mailed a Petition to Revive Unintentionally Abandoned Application containing (i) a reply to the Notice to File Missing Parts comprising (a) an executed Inventorship Declaration by Joint Inventors, (b) the additional claim fees for claims in excess of 20; and (c) the surcharge for late filing of the executed Declaration; (i) the fee under 37 CFR § 1.137(m); (iii) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR § 1.137(b) was unintentional and (iv)

a statement regarding the duration of abandonment that the petition was filed within 3 months of the mailing of a Notice of Abandonment. As this application was filed on or after June 8, 1995, no terminal disclaimer is required for a petition under 37 CFR § 13137(b). Applicants additionally submitted an executed Power of Attorney, a copy of an assignment separately filed, a Preliminary Amendment, and a Request for Corrected Filing Receipt.

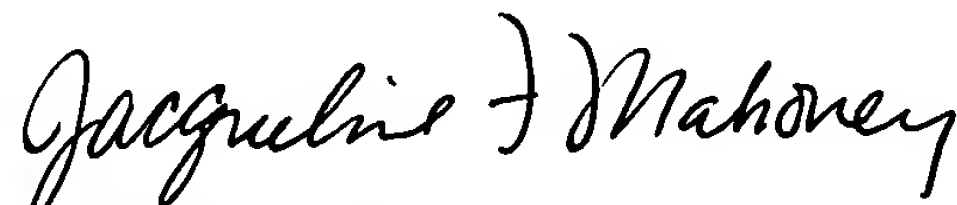
4. In the PETITION DECISION, Applicants were advised that the petition mailed October 17, 2002 lacked item (i) a complete reply to the outstanding Notice, which additionally requires submission of substitute drawings in compliance with 37 CFR § 1.84. Applicants were additionally advised that the basic filing fee of \$370.00 would be charged to the petitioner's deposit account.

5. Applicants submit herewith substitute drawings in compliance with 37 CFR § 1.84. Applicants submit that a complete reply to the outstanding Notice to File Missing Parts of Nonprovisional Application is made.

6. Accordingly, Applicants respectfully request this petition be granted to revive the above-referenced unintentionally abandoned application.

7 No fees are believed due with this petition, however, the Commissioner is authorized to charge any fees deemed due for timely consideration of this petition to Deposit Account No. 50-2207.

Respectfully submitted,



Jacqueline F. Mahoney  
Registration No. 48,390

Date: 2/3/03

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